such occupier atleast twenty-four hours notice in wirting of the intention to enter;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from the land or the building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usages of the occupants of the land or building entered.

(2) The powers of the Chief Town Planner or the Board under sub-section (1) shall extend to the whole of the State of Sikkim and the powers of the Authority under sub-section (1) shall extend to its development area and such other area which the Government may have directed to be included in a development plan.

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person, after such entry, shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to three thousand rupees, or with both.

Service of notice etc.

96. (1) All documents including notices and orders required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or rule or regulation made thereunder, be deemed to be duly served-

(a) where the document is to be served on a Government department, Railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the Railway, Secretary or principal officer of the local authority,statutory authority, company, corporaation, soceity or any other body at its principal, branch, local or registered office, as the case may be, and is either -

(i) sent by registered post to such office; or

(ii) delivered at such office;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either -

(i) sent by registered post; or

(ii) delivered at the said place of business;

(c) in any other case, if the document is addressed to the person to be served and -

(i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or the building to which it relates; or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming or describing that land or building) without further name or description, and shall be deemed to be duly served:-

(a) if the document so addressed is sent or delivered in accordance with clause (c) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed is delivered to some person on the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document is deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the officer authorised in this behalf by the Board, or the Authority, as the case may be, by notice in writing require the occupier, if any, of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

Public notice how to be made known and the notices, etc. to fix reasonable time.

97. (1) Every public notice given under this Act or rules or regulations made thereunder shall be in writing under the signature of such officer as may be authorised in this behalf by the Board, or the Authority and shall be widely made known in the locality to be affected there by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper and such other means which such authorised officer may consider fit;

(2) Where any notice, order or other document issued or made under the Act or any rule or regulation made thereunder, requires anything to be done for the doing of which no time is fixed in this Act or rule or regulation made thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of orders and documents.

98. All permissions, orders, decisions, notices and other documents of the Chief Town Planner; the Board, or the Authority shall be authenticated by the signature of such officer as may be authorised by the Chief Town Planner or the Board or the Authority, as the case may be, in this behalf.

Mode of proof of records.

99. A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or the Authority, if duly certified by legal keeper thereof or other person authorised by the Board, or the Authority shall be received as prima facie evidence of the matters and transactions therein recorded in every case where, and to the same extent as the original entry or document would, if produced, have been admissible to prove such matters.

Restriction on the summoning of officers and servants of the Board, and the Authority.

100. No Chairperson, Vice-Chairperson, member or officer or servant of the Board or the Authority shall in any legal proceedings to which the Board or the Authority is not a party, be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause.

Prohibition to supply electricity, water etc.

101. Any agency charged with the duty of supplying electric energy to buildings or installations within a development area, shall not give electric connection and any agency charged with the duty of supplying water and rendering such other services to buildings or installations in a development area shall not give water connection or render such other services to any newly constructed building or convert to permanent domestic use any connection already taken unless the application for such connection is accompanied by a no-objection certificate from the concerned Authority.

Transfer to authority for purposes of

102 (1) Whenever any building or any street, square or other land, or any part thereof, which is situated within any development area and is vested in any local

development of land or building vested in local authority.

authority is required for the purposes of development by the Authority, it shall give notice accordingly to the Executive Officer of the concerned local authority, and such building, street, square, other land or part thereof, shall, notwithstanding anything contained in the law under which the said local authority is constituted, thereupon vest in the Authority.

(2) Where any property vests in the Authority under sub-section (1) and the Authority makes a declaration that such property shall be retained by it for a period to be specified in the declaration, the property shall, on the expiration of said period, revert to the local authority.

(3) Where a declaration is made under sub-section (2), no compensation shall be payable by the Authority to the concerned local authority in respect of the property so vested in the Authority.

(4) Where any land or building vests in the Authority under sub-section (1) and no declaration is made under sub-section (2) in respect of the land or the building, the Authority shall pay to the local authority concerned as compensation a sum equal to the market value of such land or building as on the date of notice under sub-section (1):

Provided that the land of equal market value may be given in exchange, or lieu of compensation.

(5) If, in any case, where the Authority has made a declaration in respect of any land under sub-section (2) and retains or disposes of the land contrary to the terms of the declaration so that the land does not revest in the local authority, the Authority shall pay to the concerned local authority compensation in respect of such land in accordance with the provisions of sub-secion (3).

(6) If any question or dispute arises -

(a) as to whether compensation is payable under sub-section (3) or sub-section (4); or

(b) as to the amount of compensation paid or proposed to be paid under sub-section (3) or sub-section (4); or

(c) as to whether any building or street, or a square or other land or any part thereof is required for the purposes of development by the Authority;

the matter shall be referred to the Government whose decision thereon shall be final.

Restriction on power of a local authority to make rules, regulations or bye-laws in respect of certain matters.

103. (1) Notwithstanding anything contained in any law for the time being in force, no rule, regulation or bye-law shall be made or amended by a local authority in respect of matters specified in sub-section (2), unless the Authority, upon consideration of the rule, regulation or bye-law, certifies that it does not contravene any of the provisions of any perspective plan or any development plan or regulations pertaining to planning or building standards.

(2) The matters referred to in sub-section (1) are the following, namely:-

(a) water supply, drainage and sewerage disposal;

(b) erection or re-erection of buildings, including grant of building permissions, licenses and imposition of restriction on use and sub-division of land and building;

(c) sub-division of land into building sites, roads and lanes, recreational sites and sites for community facilities; and

(d) development of land, improvement schemes, and housing and re-housing schemes.

Power of Authority to

104 Where any area has been developed by the Authority it may require the local

require local authority to assume responsibility in certain cases.

authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority, and where such terms and conditions connot be agreed upon, on terms and conditions settled by the State Government in consultation with the local authority on a reference of the matter to State Government by the Authority.

Restriction on registration of documents.

105. Notwithstanding anything contained in the law for the time being in force in Sikkim, no deed or document in respect of transfer, by way of sale, gift, exchange, lease, mortgage with possession or otherwise of any land, or sub-division of any land or building situated within a development area shall be regsitered by the authority competent to register such deed or document under the provisions of the said Act, unless such deed or document is accompanied by a non-objection certificate from the concerned Authority, in the form prescribed under rules:

Provided that the competent authority may register any transfer:-

(a) where the land is owned by a person and the transfer is made without involving any further divisions;
(b) where the partition/sub-division of land is made in a Joint Hindu Family;
(c) where the lease is made in relation to a part or whole of a building; and
(d) where the mortgage is made for procuring the loans for construction or improvement over the land either from the Government or from any other financial institution constituted or established under any law for the time being in force or recognised by the Government.

Exemption from Stamp duty under law for the time being in force in Sikkim.

106. Notwithstanding anything contained in the law for the time being in force in Sikkim no duty shall be imposed on any deed or transfer of immovable property either by or in favour of the Authority.

Offences by companies.

107. (1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of and responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to the proceeded against and be punishable accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any puishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent of or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or any other officer of the company, such director, manager or other officer shall be liable to be proceeded against and punished accordingly.

Explanation :- For the purpose of this section -

(a) **"company"** means a body corporate and includes a firm or other assocation of individuals; and

(b) **"director"** in relation to a firm, means a partner in the firm.

Penalty for obstructing contractor or removing mark.

108. If any person-

(a) obstructs, or molests any person engaged or employed by the Board or the Authority or any person with whom the Board or the Authority has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary for the execution of works authorised under this Act,

he shall be punishable with fines which may extend to five hundred rupees or with imprisonment for a term which may extend to two months or with both.

Sanction of prosecution.

109. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board or the Authority concerned or any officer authorised by the Board or the Authority, as the case may be, in this behalf.

Compounding of offences.

110. (1) The Board or the Authority concerned or any person authorised in this behalf may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) When an offence has been compunded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Cognizance of offence.

111. (1) Notwithstanding anything contained in any other provisions of any other Act it shall be competent for the Court of Judicial Magistrate of First Class to take cognizance of offences under this Act.

(2) An officer of the level of Under Secretary or above shall be the competent authority to file a complaint under the provision of this Act.

(3) All complaints shall be filed within a period of 3 months from the date of occurrence or commission of the offence.

Right to appear by recognised agent.

112. Every party to a proceeding before the Board or the Authority constituted under this Act, shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

Jurisdiction of courts.

113. No Court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act.

Fine when realised to be paid to the concerned Authority.

114. All fines realised in connection with prosecution under this Act shall be paid to the concerned Authority in the prescribed manner.

Members and officers to be public servants.

115. Every member and every officer and other employees of the Board and the Authority shall be deemed to be a public servant within the meaning of secton 21 of the Indian Penal Code, 1860.

Protection of action taken

116. No suit, prosecution or other legal proceedings shall lie against any person

in good faith.

deemed to be a public servant under section 109 for anything which is done or intended to be done in good faith under this Act or any rules or regulation made thereunder.

Duty of police officer.

117. It shall be the duty of every police officer -

(a) to co-operate with the Authority for carrying into effect and enforcing the provisions of this Act or any rule or regulation made thereunder;

(b) to communicate without delay to the proper officer or employee of the Authority any information which such police officer receives of a design to commit, or of the commission of, any offence against this Act or any rule or regulation made thereunder; and

(c) to assist any officer or employee of the Authority reasonably demanding the aid of such police officer for the lawful exercise of any power vested in him under this Act or any rule or regulation made thereunder.

Finality of orders.

118. Save as otherwise expressly provided in this Act, every order passed or directon or notice issued by the Gvernment or the Board, the Chief Town Planner or the Authority, as the case may be, under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

Validation of acts and proceedings.

119. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of -

(a) the existence of any vacancy in, or any defect in the constitution of the Board, or a Authority;

(b) any person having ceased to be member of the Board or the Authority;

(c) any person associated with the Board or a Authority under the provisions of sections 120 having voted in contravention of the said section; or

(d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board or the Authority, minutes of the proceedings of which have been duly signed as prescribed, shall be taken to have been duly convened and to be free from all defects and irregularities.

Temporary association of persons.

120. (1) The Board and the Authority may associate with themselves in such manner and for such purposes, as may be prescribed, any person whose assistance or advice they may consider necessary in performing any of their functions assigned to them under this Act.

(2) Any person associated under sub-section (1) shall have the right to take part in the discussions in the meeting of the Board and the Authority relevant to the purpose but shall not have the right to vote and shall not be construed as a member for any other purpose.

Power to delegate.

121. (1) The Board may, by a resolution, direct that any power exercisable by it under this Act or rules or regulations made thereunder, may also be exercised by any Authority, or by any District Planning Committee and the municipal bodies constituted under the Sikkim Municipalities Act, 1995 or a panchayat constituted under the Sikkim Panchayat Act, 1993 as the case may be, or by any officer of the Board or the Government or the Authority, or the District Planning Committee or the municipal body or a panchayat as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Chief Town Planner may, by an order in writing, delegate any power

exercisable by him under this Act or rules or regulations made thereunder, to any officer of the Board or the Government or any Authority or the District Planning Committee or the municipal bodies or a panchayat in such cases and subject to such conditions, if any, as may be specified therein.

(3) The Authority by a resoultion direct that any power exercisable by it under this Act or rules or regulations made thereunder, except the power to prepare perspective plan, development plan, annual plans or development schemes or to make regulations may also be exercisable by any other local authority or any officer of the Government or the Authority or the District Planning Committee or the municipal bodies or a panchayat in such cases and subject to such conditions, if any, as may be specified therein :

Provided that the delegation to an officer of the Government shall require prior Government sanction.

(4) The Town Planning Member may, by an order in writing, delegated any power exercisable by him under this Act or rules or regulations made thereunder to any officer subordinate to him in such cases and subject to such conditions, if any, as may be specified therein.

Power of the Authority to borrow money.

122. (1) The Authority may from time to time, borrow at such rate of interest and for such period and upon such terms, as the Government may approve, any sum of money required for efficient performance of the functions assigned to it under this Act and rules and regulations made thereunder.

(2) The Authority shall maintain a sinking fund for the repayment of money borrowed under sub-section (1) and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all money so borrowed.

(3) The sinking fund shall be applied in or towards, the dicharge of the loan for which such fund was created and until such fund is wholly discharged, it shall not be applied for any other purpose.

Control by the Government and the Board.

123. (1) The Board and the Authority shall carry out such directions as may be issued to them, from time to time, by the Government for the efficient administration of this Act and the Authority shall also carry out such directions as may be issued, from time to time, by the Board for the purpose.

(2) In case of any dispute in connection with the exercise of its powers and discharge of its functions by the Board or any Authority under this Act, the decision of the Government on such disputes shall be final.

Suspension of the development plan in emergency by Government.

124. If the Government is satisfied that a grave emergency exists which necessitates the suspension of any approved development plan, annual plan or the development scheme or part thereof it may, by notification in the Official Gazette, suspend such plan, annual plan or development scheme or part thereof for such period, as it may consider necessary.

Returns and information.

125. (1) The Board and the Authority shall furnish to the Government such plans, reports, returns and other information, as the Government may, from time to time, require.

(2) The Authority, urban local bodies and the panchayats shall furnish to the Board, such plans, reports, returns and other information, as the Board may, from time to time, require.

Qualifications of the Chief

Town Planner and the Town Planning Members of the Authority.

126. The Chief Town Planner appointed under section 7 and the Town Planning Member of the Authority appointed under clause (e) of sub-section (5) of section 21 shall possess such educational qualifications from any institution recognised by the Institute of Town Planners, India, as may be prescribed.

Effect of laws.

127. (1) Save as provided hereinbefore, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith constained in any other law.

(2) Notwithstanding anything contained in any such other law, when permission for development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

Power to fix land values within the development area.

128. (1) Notwithstanding anything contained in any law for the time being in force, every Authority at an interval of every five years, after conducting such enquiry, as may be considered necessary, fix, by notification in the Official Gazette and in a local newspaper, the values of land in respect of each locality of the development area.

(2) Different values may be fixed for different localities in a development area after taking into consideration the use to which the land is put at the time of enquiry under sub-section (1).

(3) The notification fixing the values of land under sub-section (1) shall require prior Government approval.

Provisions of the perspective plan to stand modified in certain cases.

129. After the coming into operation of a development plan of an area, the approved perspective plan of the same area shall stand modified or altered to the extent the proposals in the development plan are at variance with the perspective plan.

Power to make agreement.

130. The Board or the Authority may enter into agreement with any person, body, agency, promoter, company, society or the Government for discharging their duties and performing their functions assigned to them under this Act.

Power to make rules.

131. (1) The Government may, after consultation with the Authority only with regard to the matters concernig the Authority, may make rules by notification in the Official Gazette, to carry out all or any of the purposes of this Act and prescribe forms for any proceedings for which it coniders that a form should be provided:

Provided that such consultation with the Authority shall not be necessary on the first occasion of the making of the rules under this section, but the Government shall take into consideration any suggestions which the authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the functions and powers of the Board and the Authority;

(b) the term of office and conditions of service of the members of the Board and the Authority;

(c) the qualification or disqualification for being chosen as members of the Board and the Authority;
(d) the time and place for holding of and the procedure to be followed in the meetings including quorum of the Board and the Authority;
(e) the powers and duties of the officers and employees of the Board;
(f) the qualifications, functions, powers and duties of the Chief Town Planner and the Town Planning Member of the Authority including their conditions of service;
(g) the time within which the regional development plan is to be prepared by the Chief Town Planner under section 12;
(h) the stages by which development may be carried out to be indicated in the regional development plan;
(i) the manner of nomination of representatives of local authorities under this Act;
(j) procedure for exclusion from or inclusion in a development area under section 21;
(k) the terms and conditions of the members of the Development Committee constituted under sub-section (3) of section 23;
(l) the form in which the Map and the Register is to be prepared under section 30;
(m) the form in which the application for permission for development shall be made, particulars to be furnished and documents and plans which shall accompany such application together with the fee;
(n) the amount of fee to be paid for revalidation of permission under section 47;
(o) the manner in which and the purpose for which any Authority may associate with itself any person under the provisions of this Act;
(p) the control and restriction in relation to the appointment of officers and employees of the Board and the Authority including conditions of service of such officers and employees;
(q) the form and content of the perspective plan, the development plan, the annual plan and the development schemes and the procedure to be followed in connection with their preparation, submission and approval and the form and the manner of their publication;
(r) the manner of appeal to the Authority under clause (b) of sub-section (3) of section 51;
(s) the composition, management and conduct of functional agencies under sub-section (2) of section 61;
(t) the manner of auction of additional builtup space under sub-section (2) of section 62;
(u) the manner and procedure by which land shall be acquired through negotiated settlement under section 67;
(v) the manner of disposal of land by the Authority under section 68;
(w) the levy, manner of assessment and recovery of development charges exemption from its levy under sections 69, 70 and 71, and the manner of appeal under section 72;
(x) the procedure to be followed in granting license and the license fee to be paid by promoters under sub-section (1) of section 75; the form of application and documents to accompany, the amount of application fee, the format of the license form and the fee to be charged for revalidation of the license under section 76;
(y) manner in which development work by private sector and joint sector

shall be regulated under section 81;

(z) the manner in which a acquisition notice is to be served, and claim for compensation is to be made, the time within which such claim is to be made and the procedure to be followed for assessment of compensation;

(za) the form of the budget of the Board and the Authority, the date on or before it shall be prepared, the manner of preparing it and the number of copies that has to be sent to the Government under section 84;

(zb) the time by which and the manner in which the increase in stamp duty under section 86 shall be credited to the Development Fund of the Authority;

(zc) the details and documents to accompany the application for change of use of agricultural land under section 8;

(zd) the form and the date before which the annual reports are to be submitted under section 91;

(ze) the manner of and conditions subject to which the pension and provident fund shall be constituted under section 92; and

(zf) any other matter whih has to be or may be prescribed by rules or any other matter for efficient administration of the objectives of this Act.

(3) The Government shall have powers to make rules (a) in respect of conditions on which officers and employees of the Authority may be appointed, reduced in rank, suspended, discharged, removed or dismissed;

(b) in respect of accounts to be maintained by the Authority;

(c) in respect of returns, statements, reports and accounts be submitted by the Authority to the Government;

(d) prescribing and defining the mutual relationship to be observed between the Authority and the local authority in any matter in which they are jointly interested;

(e) in respect of principles, guidelines, planning standards, building regulations, conditions and restrictions in accordance with which development may be undertaken or regulated;

(f) in respect of authentication of development plans at the time of approval by the Government and custody thereof and the procedure of its production before courts for verification;

(g) in respect of calling of tenders, security amount, acceptance of tenders, issue of work orders, entering into contract, execution of works, compromise of claims, and matters ancillary thereto;

(h) in respect of the stages of which the development of any particular feature of a zone may be carried out;

(i) in respect of the local enquiries or other hearings that may be made before a development plan is approved;

(j) in respect of the manner in which the Government land after transfer to the Authority shall be dealt with;

(k) in respect of matters relating to leasing or hiring out or transfer of any property belonging to the Authority and matters ancillary or consequential thereto;

(l) in respect of the powers to be exercised and the functions to be performed by the members of the Authority including the Chairman and the Vice-Chairman.

(4) In making any rule, the Government may provide that a breach thereof, shall

be punishable with fine which may extend to one thousand rupees and in the event of the continuance of the offence, with an additional fine which may extend to thirty rupees for every day during which such breach continues after conviction for the first such breach.

Power to make regulations.

132. (1) The Authority may, with the previous approval of the Government make regulations not inconsistent with this Act and the rules made threunder to carry out the purposes of this Act; and without prejudice to the generality of this power such regulations may provide for:-

(a) the powers and duties of the officers and employees of the Authority; the salaries, allowances and conditions of service of its officers and employees;
(b) the terms and conditions of the continuance of use of any land used otherwise than in conformity with a perspective plan or development or an annual plan;
(c) the fees and allowances which may be paid to the members of the Advisory Council for attending its meetings under sub-section (5) of section 26;
(d) the summoning and holding of meetings of a Committee constituted under sction 27, the time and place where such meeting are to be held, the conduct of business at such meeting and the number of members necessary to form a quorum under sub-section (2) of section 27;
(e) the fee and allowances payable to the members of the Committee (other than the members of the Authority) for attending the meeting of the Committee or any other work of the Authority under sub-section (3) of section 27;
(f) works for the maintenance, improvement and other alterations of any building for which permission shall not be required under section 44;
(g) the form in which application for permission under sub-section (1) of section 45, the particulars to be contained in and the documents to be accompanied with such application;
(h) the manner in which order under sub-section (2) of section 45 shall be communicated to the applicant under sub-section (5) of section 45;
(i) the amount of leviable users' charges and its manner of collection under sub-section (2), and terms and conditions incluiding beneficiaries from which users' charges may be collected under sub-section (3) of section 89;
(j) the principles, guidelines, planning norms and standards, building regulations, conditions and restrictions in accordance with which developments may be undertaken or rgulated; and
(k) any other matter which has to be or may be prescribed by regulations and or any matter for efficient administratin of the objectives of this Act.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1), may be made by the Government and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1);

Cancellation of regulation

(3) The regulations so made shall be published in the Official Gazette and shall come into force on the date of such publication.

by the Government.

133. The Government may, in consultation with the Authority and after previous publication of thier intention, rescind any regulation made by the Authority, and thereupon such regulations shall cease to have effect.

Laying of rules before State Legislature.

134. (1) All rules made under this Act shall be laid for not less than thirty days, before the State Legislature, as soon as may be, after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.

(2) All rules so made and after action completed under sub-section (1), shall be published in the Official Gazette and shall come into force on the date of such publication.

Dissolution of the Authority.

135. (1) Where the Government is satisfied that the purpose for which any Authority was constituted under this Act has been substantially achieved so as to render the continued existence of such authority unnecessary, the Government may, by notificaion in the Official Gazette, declare that the Authority shall be dissolved and cease to exist with effect from such date as may be specified in the notification and the Authority shall be deemed to be dissolved and cease to exist accordingly.

(2) From the said date:-

(a) all properties, funds and dues which are vested in, or realisable by the Authority shall vest in or be realisable by the Government or any agency or agencies, as may be specified by the Government in this behalf;

(b) all liabilities which are enforceable against the Authority shall be enforceable against the Government;

(c) for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Government.

Repeal and Savings.

136. (1) The Sikkim Town and Country Planning and Restriction on Transfer and use of Lands Ordinance, 1997 is hereby repealed.

(2) The Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 and the Sikkim Building Constructions Regulation, 1991 shall cease to apply to the development areas declared under this Act.

(3) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power, conferred by or under the said Ordiance and the Act shall, so far as it is not consistent with the provisions of this Act, be deemed to have been done or taken under this Act.

By Order of the Governor,

T. D. RINZING,
Secretary to the Govt. of Sikkim,
Law Department.

F. No. 16 (295) LD/93 - 99

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Monday 8th September, 2008 | No. 390

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 29/LD/P/2008 Date: 19.08.2008

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 4th day of August, 2008 is hereby published for general information:-

THE SIKKIM URBAN AND REGIONAL PLANNING AND DEVELOPMENT (AMENDMENT) ACT, 2008
(ACT NO. 29 OF 2008)

AN
ACT

further to amend the Sikkim Urban and Regional Planning and Development Act, 1998.

Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called The Sikkim Urban and Regional Planning and Development (Amendment) Act, 2008.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

Amendment of Section 2.

2. In the Sikkim Urban and Regional Planning and Development Act, 1998 (hereinafter referred to as the "said Act"),-

(i) for sub-section (5) of Section 2, the following entry shall be substituted, namely,- "(5) "Authority" means Authority constituted under section 3A of the Act, Development Authority constituted under sub-section (3) of Section 21 and Authority constituted under sub-section (3A) of Section 21 of the Act;

(ii) in sub-section (13) of Section 2 of the Act, after the words, "building or land" and before the words, "and includes" the following words shall be inserted, namely,- "or removal or relocation of building or house or structure or hut etc.".

Insertion of new Section 3A. 3. In the said Act, after the existing Section 3, the following new Section shall be inserted, namely,-

"Appointment of authority 3A-

(1) Where a Board under sub-section (1) of Section 3 of the Act has not been constituted, the Government may appoint such person or such official of the State Government, as it may deem fit, as an Authority to carry on the functions of the Board;
(2) the Authority constituted under sub- section (1) may be aided by members not exceeding three in number, as may be appointed in this behalf by the State Government".

Insertion of new Section 4A. 4. In the said Act, after the existing Section 4, the following new Section shall be inserted, namely:-
"Functions and Power of Authority. 4A - The Authority constituted under Section 3A of the Act shall carry on the functions and powers of the Board as provided under Section 4 of the Act till the Board is constituted".

Amendment of Section 21. 5. (1) In the said Act, after sub-section(3) of Section 21, the following sub-section shall be inserted, namely,-
"(3A)- Where under sub-section (3) no Development Authority has been constituted but an Authority has been constituted under Section 3A of the Act whose powers and functions has been specified under Section 4A of the Act, the Authority so constituted under section 3A of the Act may also be designated as the Development Authority till such Development Authority is constituted under sub- section (3) of the Act on a new Development Authority may be constituted consisting of not more than three persons".

Amendment of Section 24. 6. (1) In the said Act, after sub-section (1) of Section 24, the following sub-section shall be inserted, namely,-
"(2) The Development Authority constituted or so designated under sub-section (3A) of Section 21 of the Act, shall exercise the powers and functions of Development Authority provided under sub-section (1)".

Amendment of Section 26. 7. In the said Act, after sub-section (5) of Section 26, the following sub-sections shall be inserted, namely:-
"(6) Where Advisory Council under sub-section (1) has not been constituted consisting of members as contained in sub-section (2), the State Government may constitute a new Advisory Council consisting of not more than two members".
"(7) The Advisory Council constituted under sub-section (6) shall carry on with the same powers and functions of Advisory Council as provided under the Act".

BY ORDER.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department

File No. 16 (82)/ LD/P/2008

S.G.P.G. - 390/ Gazette /150 Nos./Dt:- 8.9.2008.

THE SUBSEQUENT AMENDMENTS TO THE SIKKIM URBAN AND REGIONAL PLANNING AND DEVELOPMENT ACT, 1998 (ACT NO. 7 OF 1998) AMENDED AND UPDATED UPTO SEPTEMBER, 2008